03-21-05
EV549909311

PTO/SB/21 (08-03)

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(to be used for all correspondence after initial filing)

Application Number	09/665,919
Filing Date	9/20/2000
First Named Inventor	Venkatachari Dilip
Group Art Unit	3624
Examiner Name	Wasylichak, S.
Attorney Docket Number	CE1-002US

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

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|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached

<input type="checkbox"/> Amendment / Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)

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Incomplete Application

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under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Steven R. Sponseller, Reg. No. 39384
Signature	<i>Steven R. Sponseller</i>
Date	3-18-05

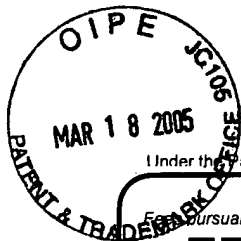
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Carly Taylor		
Signature	<i>Carly Taylor</i>	Date	3/18/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV549909311

PTO/SB/17 (12-04)

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Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 310.00)

Complete if Known

Application Number	09/665,919
Filing Date	9/20/2000
First Named Inventor	Venkatachari Dilip
Examiner Name	Wasylychak, S.
Art Unit	3624
Attorney Docket No.	CE1 -002US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	50	=

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	200	=

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief; 1 month extension

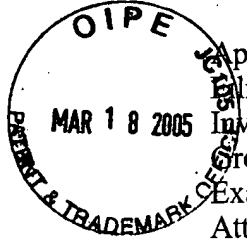
Fees Paid (\$)
310.00**SUBMITTED BY**

Signature		Registration No. 39384 (Attorney/Agent)	Telephone (509) 324-9256
Name (Print/Type)	Steven R. Sponseller		Date 3-18-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application Serial No. 09/665,919
 Filing Date Sept. 20, 2000
 Inventor Dilip et al.
 Group Art Unit 3624
 Examiner Wasylchak, Steven R.
 Attorney's Docket No. CE1-002US
 Confirmation No. 8530
 Title: Method and Apparatus for Implementing Financial Transactions

APPEAL BRIEF

To: Commissioner for Patents
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 Alexandria, Virginia 22313-1450

From: Steven R. Sponseller (Tel. 509-324-9256; Fax 509-323-8979)
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Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an appeal brief
 for application 09/665,919, filed Sept. 20, 2000, within the requisite time from the
 date of filing the Notice of Appeal. Accordingly, Appellant appeals to the Board of
 Patent Appeals and Interferences seeking review of the Examiner's rejections.

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(1) Real Party in Interest

The real party in interest is CashEdge Inc., the assignee of all right, title and interest in and to the subject invention.

(2) Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings which will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

(3) Status of Claims

Claims 1-30 and 38-72 stand rejected and are pending in this Application. Claims 1-30 and 38-72 are appealed. Claims 1-30 and 38-72 are set forth in the Appendix of Appealed Claims on page 22.

(4) Status of Amendments

A Final Office Action was issued on September 20, 2004.

A Telephonic Interview was conducted on December 15, 2004, including Primary Examiner Jagdish Patel, Examiner Steven R. Wasylchak, Attorney Steven Sponseller, and Rupali Chopra (client representative). No agreement was reached with respect to the claims.

Appellant filed a Notice of Appeal on December 20, 2004 in response to the Final Office Action.

(5) Summary of Claimed Subject Matter

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters. These specific reference characters are examples of particular elements of the drawings for certain embodiments of the claimed invention, and the claims are not limited to solely the elements corresponding to these reference characters.

With respect to independent Claim 1, as discussed for example at page 33, line 13 through page 38, line 22, a method includes a processor initiating a withdrawal of assets from a first account at a first financial institution (622, 654, 590). The method further includes the processor initiating a deposit of the withdrawn assets to a second account at a second financial institution (624, 656) such that the first account and the second account have a common account holder (590).

With respect to independent Claim 12, as discussed for example at page 33, line 13 through page 38, line 22, a method includes implementing a first transaction that includes withdrawing funds by a financial management system from a first account at a first financial institution (622, 654) and depositing the withdrawn funds by the financial management system into a second account (630, 660, 590), such that the first account and the second account have different account holders. The method further includes implementing a second transaction that includes withdrawing the deposited funds from the second account (630, 660) and depositing the deposited funds into a third account at a second financial institution (624, 656, 590), such that the second account and the third account have

different account holders, and the first account and the third account have a common account holder.

With respect to independent Claim 22, as discussed for example at page 33, line 13 through page 38, line 22, a method includes registering a plurality of financial accounts with a financial management system (588), such that the registering of a plurality of accounts allows the transfer of funds between any pair of registered accounts. The method further includes initiating a transfer of funds by the financial management system from a first registered account associated with a first financial institution (622, 654) to a second registered account associated with a second financial institution (624, 656), such that a third party entity (630, 660) initiates the transfer of funds (590).

With respect to independent Claim 38, as discussed for example at page 33, line 13 through page 38, line 22, a computer-readable media has stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to withdraw funds from a first account at a first financial institution (622, 654, 590) and deposit the withdrawn funds into a second account at a second financial institution (624, 656, 590), such that the first and second accounts have a common account holder.

With respect to independent Claim 42, as discussed for example at page 11, line 1 through page 13, line 11, and page 33, line 13 through page 38, line 22, an apparatus includes a financial management system (632, 658) coupled to a first financial institution (622, 654) or a second financial institution (624, 656). The financial management system (632, 658) initiates a withdrawal of assets from a first account at the first financial institution (622, 654) and initiates a deposit of

the withdrawn assets into a second account at the second financial institution (624, 656), such that the first and second accounts have a common account holder.

With respect to independent Claim 48, as discussed for example at page 33, line 13 through page 38, line 22, a method includes initiating a transfer of funds from a first account at a first financial institution (622, 654, 590) to a second account at a second financial institution (624, 656, 590). The transfer of funds is performed by a financial management system using an Automated Clearing House network (626, 628, 652), such that the first account and the second account have a common account holder.

With respect to independent Claim 51, as discussed for example at page 33, line 13 through page 38, line 22, a method includes a processor initiating a withdrawal of funds from a first account at a first financial institution (622, 654, 590). An instruction for the withdrawal of funds is initiated by an entity other than the first financial institution. The method further includes the processor initiating a deposit of the withdrawn funds to a second account at a second financial institution (624, 656). An instruction for the deposit of the withdrawn funds is initiated by an entity other than the second financial institution.

With respect to independent Claim 56, as discussed for example at page 33, line 13 through page 38, line 22, a method includes opening a new account at a first financial institution (622, 654, 588). The method further includes identifying a second account at a second financial institution (624, 656) and initiating a transfer of funds from the second account to the new account by a financial management system (590), such that the new account and the second account have

a common account holder, and such that a third financial institution (630, 660) initiates the transfer of funds from the second account to the new account.

With respect to independent Claim 61, as discussed for example at page 33, line 13 through page 38, line 22, a method includes a financial management system transferring assets from a first account at a first financial institution (622, 654) to a second account at a second financial institution (630, 660) via a debit instruction (590), such that the first account and the second account have different account holders. The method further includes the financial management system transferring assets from the second account to a third account at a third financial institution (624, 656) via a credit instruction (590), such that the second account and the third account have different account holders, and the first account and the third account have a common account holder.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 11, 21, 51 and 61 are objected to because they are allegedly in improper form.

Claims 1-30 and 38-72 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,598,028 to Sullivan et al.

(7) Argument

A. Objection to claims 11, 21, 51 and 61 as being in improper form.

The Sept. 20, 2004 Office Action objects to claims 11, 21, 51 and 61 because they are allegedly in improper form. The Office Action specifically states “Any claim which is in dependent form but which is so worded that it, in fact, is not a proper dependent claim, as for example, it does not include every limitation of the claim on which it depends, will be required to be canceled as not being a proper dependent claim....”

Claim 11 recites “One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1.” Appellant submits that claim 11 is a proper dependent claim. Claim 11 includes “the method recited in claim 1”, thereby including every limitation from the claim on which it depends (claim 1). Thus, Appellant submits that claim 11 is in proper form. Similarly, Appellant submits that claim 21 is in proper form for the same reason.

Claim 51 is a method claim. Although two of the method claim elements begin with “a processor” and “the processor”, this language is provided to show that the elements of the method are implemented with a processor. Such language does not affect the status of the claim as a method claim. Thus, Appellant submits that claim 51 is in proper form. Similarly, Appellant submits that claim 61 is in proper form for the same reason.

B. Rejection under 35 U.S.C. §102(e) over U.S. Patent No. 6,598,028 to Sullivan et al.

Claims 1-30 and 38-72 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,598,028 to Sullivan et al. (hereinafter "Sullivan").

1. Claims 1-11 and 54

Claim 1 recites:

A method comprising:
a processor initiating a withdrawal of assets from a first account at a first financial institution; and
the processor initiating a deposit of the withdrawn assets to a second account at a second financial institution, wherein the first account and the second account have a common account holder.

In rejecting claim 1, the Sept. 20, 2004 Office Action cites column 9, lines 7-30 and Figs. 2, 4 (and associated text) of the Sullivan reference (see page 4 of the Office Action). The language at column 9, lines 7-30 of Sullivan states:

The universal financial management/translation mechanism 100, includes a first section directed toward managed equity accounts held by different subscribers, and a second section (i.e., a currency section) that is used by particular subscribers as a way for redeeming currency outlays, should currency be needed to be distributed to a particular entity as requested by the user. In addition, relationships with financial institutions 118 for example, will also allow various customers of those financial institutions 118, such as user 3 120, to benefit from the financial services offered by the universal financial management/translation mechanism 100. In the case of a particular subscriber, who creates and initiates an account with the mechanism 100, that particular user will initially populate a currency

portion of the individual's account by making a deposit into an account. While the funds are deposited as a certain kind of currency, the specific value of that deposit is converted into a corresponding number of "shares" for use by the user. These funds may be redeemed in a particular currency or perhaps used to purchase shares in a growth and income fund. The funds may also be used to purchase equities managed by the mechanism 100. Alternatively, the deposit may be used to purchase contracts, such as options, derivatives, futures and hedge funds.

Although the cited language mentions converting currency into "shares" and mentions the purchase of equities, the cited language does not disclose the elements of claim 1. Converting currency into "shares" and purchasing equities is not the same as withdrawing assets from a first account at a first financial institution and depositing the withdrawn assets to a second account at a second financial institution, as recited in claim 1. The Sullivan reference fails to disclose any type of asset transfer between accounts at different financial institutions, in which the accounts have a common account holder.

Although the Sullivan reference discusses international trade and interest rate derivative swaps, which may involve a transfer of funds, Sullivan does not disclose the manner in which funds are transferred. Sullivan fails to provide specific details regarding any transfer of funds. Claim 1 recites a specific method of transferring funds between two different commonly-owned accounts at two different financial institutions, through the use of at least two separate transactions (withdrawal of assets from a first account and deposit of the withdrawn assets to a second account). Thus, claim 1 is directed at a specific manner of transferring funds between accounts. The Sullivan reference fails to disclose this specific manner of transferring funds.

In response to Appellant's previous remarks, page 2 (paragraph 5) of the Sept. 20, 2004 Office Action states "Sullivan readily suggests the transfer of funds between two different financial institutions by the term international trade...." (Emphasis Added). The claims are rejected under 35 U.S.C. §102(e), yet the Examiner refers to what the Sullivan reference "suggests". The Examiner has applied the wrong standard. A reference's "suggestion" might be relevant under 35 U.S.C. §103, but not under 35 U.S.C. §102(e). Accordingly, Appellant submits that the Examiner has improperly considered the Sullivan reference's suggestion in rejecting claim 1 under 35 U.S.C. §102(e). Such improper application of 35 U.S.C. §102(e) mandates a withdrawal of the Examiner's rejection.

Furthermore, in rejecting claim 1, the Office Action also cites Figs. 2, 4 (and associated text) of the Sullivan reference (see page 4 of the Office Action). "Fig. 2 is a block diagram of a universal financial management/translation mechanism and system according to the present invention". Sullivan, col. 8, lines 46-48. "Fig. 4 is a flow-chart of a process that allows for price discovery for a particular currency conversion request, and employs this price discovery operations in order to service that particular currency conversion request". Col. 8, lines 51-54. The Office Action fails to provide any explanation as to the relevance of Figs. 2 and 4 (and the associated text).

As discussed above, the universal financial management/translation mechanism of Fig. 2 performs various currency conversion functions and related operations. The text associated with Fig. 2 discusses various aspects of currency conversion and provides examples of currency conversion in different settings, such as credit card purchases, payment systems, and other purchases. These

currency conversion functions are not the same as transferring assets between accounts at different financial institutions. Thus, Fig. 2 and the associated text fails to disclose or suggest the elements of claim 1. In particular, Fig. 2 and the associated text is silent as to transferring assets between accounts at different financial institutions, in which the accounts have a common account holder.

Regarding Fig. 4 of Sullivan, the flow chart shown is related to operations such as identifying collateral for a transaction, receiving currency rate data, and handling multiple currency conversion requests. The text associated with Fig. 4 discusses the various operations illustrated in Fig. 4. The operations shown and discussed with respect to Fig. 4 are related to currency conversion, which is not the same as transferring assets between accounts at different financial institutions. Accordingly, Appellant submits that Fig. 4 and the associated text fails to disclose or suggest the elements of claim 1. In particular, Fig. 4 and the associated text makes no mention of transferring assets between accounts at different financial institutions where the accounts have a common account holder.

Thus, for at least the reasons stated above, Appellant respectfully submits that Claim 1 is not anticipated by Sullivan and is allowable. Given that Claims 2-11 depend from Claim 1, Appellant respectfully submits that Claims 2-11 and 54 are also allowable over Sullivan for at least the same reasons.

Accordingly, Appellant respectfully submits that Claims 1-11 and 54 are allowable over Sullivan and that the rejection of Claims 1-11 and 54 should be withdrawn.

2. Claims 12-21 and 68-69

Claim 12 recites:

A method of transferring funds comprising:
implementing a first transaction comprising:
withdrawing funds by a financial management system from a first account at a first financial institution; and
depositing the withdrawn funds by the financial management system into a second account, wherein the first account and the second account have different account holders;
implementing a second transaction comprising:
withdrawing the deposited funds from the second account; and
depositing the withdrawn funds into a third account at a second financial institution, wherein the second account and the third account have different account holders, and wherein the first account and the third account have a common account holder.

In rejecting claim 12, the Sept. 20, 2004 Office Action cites column 9, lines 7-30 and Figs. 2, 4 (and associated text) of the Sullivan reference discussed above, as well as col. 10, lines 63-67 and col. 11, lines 1-3 and lines 50-58. (Office Action, pages 6-7). The cited language discusses, for example, currency conversion, making purchases, and maintaining “sub accounts” for different currencies.

However, the cited language does not disclose or suggest two separate transactions to transfer funds from a first account at one financial institution to a third account at another financial institution via an intermediate account, as recited in claim 12. The Sullivan reference is silent as to a transfer of funds involving three different accounts as recited in claim 12. Further, Sullivan fails to disclose a situation in which the first and third accounts have a common account holder while the first

and second accounts have different account holders and the second and third accounts have different account holders.

As discussed above with respect to claim 1, the Examiner's attempt to use any "suggestion" by the Sullivan reference is improper under 35 U.S.C. §102(e).

For at least these reasons, Appellant respectfully submits that claim 12 is not anticipated by Sullivan and is allowable. Given that claims 13-21 and 68-69 depend from claim 12, Appellant respectfully submits that claims 13-21 and 68-69 are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 12-21 and 68-69 are allowable over Sullivan and that the rejection of Claims 12-21 and 68-69 should be withdrawn.

3. Claims 22-30, 55, 66-67 and 71-72

Claim 22 recites:

A method comprising:
registering a plurality of financial accounts with a financial management system, wherein the registering of a plurality of accounts allows the transfer of funds between any pair of registered accounts; and
initiating a transfer of funds by the financial management system from a first registered account associated with a first financial institution to a second registered account associated with a second financial institution, wherein a third party entity initiates the transfer of funds.

In rejecting claim 22, the Office Action cites Figs. 2, 4 and associated text of the Sullivan reference. (Sept. 20, 2004 Office Action, page 9). As discussed above with respect to claim 1, the cited language does not disclose or suggest

transferring funds from a first account at one financial institution to a second account at another financial institution, as recited in claim 22. Further, the cited language does not disclose or suggest that a third party entity (i.e., a third party that is neither the first financial institution nor the second financial institution) initiates the transfer of funds, as recited in claim 22.

As discussed above with respect to claim 1, the Examiner's attempt to use any "suggestion" by the Sullivan reference is improper under 35 U.S.C. §102(e).

For at least these reasons, Appellant respectfully submits that claim 22 is not anticipated by Sullivan and is allowable. Given that claims 23-30, 55, 66-67 and 71-72 depend from claim 22, Appellant respectfully submits that claims 23-30, 55, 66-67 and 71-72 are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 22-30, 55, 66-67 and 71-72 are allowable over Sullivan and that the rejection of Claims 22-30, 55, 66-67 and 71-72 should be withdrawn.

4. Claims 38-41

Independent claim 38 contains limitations similar to those discussed above with respect to claim 1. Thus, for at least the reasons discussed above with respect to claim 1, Appellant submits that claim 38 is allowable over the Sullivan reference. Given that claims 39-41 depend from claim 38, Appellant submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 38-41 are allowable over Sullivan and that the rejection of Claims 38-41 should be withdrawn.

5. Claims 42-47

Independent claim 42 contains limitations similar to those discussed above with respect to claim 1. Thus, for at least the reasons discussed above with respect to claim 1, Appellant submits that claim 42 is allowable over the Sullivan reference. Given that claims 43-47 depend from claim 42, Appellant submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 42-47 are allowable over Sullivan and that the rejection of Claims 42-47 should be withdrawn.

6. Claims 48-50

Claim 48 recites:

A method comprising:
initiating a transfer of funds from a first account at a first financial institution to a second account at a second financial institution, wherein the transfer of funds is performed using an Automated Clearing House network; and
wherein the first account and the second account have a common account holder.

As discussed above with respect to claim 1, the Sullivan reference does not disclose or suggest transferring funds from a first account at a first financial institution to a second account at a second financial institution, as recited in claim 48. In particular, Sullivan fails to disclose any type of funds transfer between accounts at different financial institutions, in which the accounts have a common account holder.

As discussed above with respect to claim 1, the Examiner's attempt to use any "suggestion" by the Sullivan reference is improper under 35 U.S.C. §102(e).

Thus, for at least these reasons, Appellant respectfully submits that claim 48 is allowable over Sullivan. Given that claims 49-50 depend from claim 48, Appellant respectfully submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 48-50 are allowable over Sullivan and that the rejection of Claims 48-50 should be withdrawn.

7. Claims 51-53

Claim 51 recites:

A method comprising:
a processor initiating a withdrawal of funds from a first account at a first financial institution, wherein an instruction for the withdrawal of funds is initiated by an entity other than the first financial institution; and
the processor initiating a deposit of the withdrawn funds to a second account at a second financial institution, wherein an instruction for the deposit of the withdrawn funds is initiated by an entity other than the second financial institution.

The Sullivan reference does not disclose “initiating a withdrawal of funds from a first account ... by an entity other than the first financial institution ... and initiating a deposit of the withdrawn funds to a second account ... by an entity other than the second financial institution” (emphasis added) as recited in claim 51. Although Sullivan mentions converting currency into “shares” and mentions the purchase of equities, Sullivan fails to disclose the method of claim 51.

As discussed above with respect to claim 1, the Examiner’s attempt to use any “suggestion” by the Sullivan reference is improper under 35 U.S.C. §102(e).

Thus, for at least these reasons, Appellant respectfully submits that claim 51 is allowable over Sullivan. Given that claims 52-53 depend from claim 51, Appellant respectfully submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 51-53 are allowable over Sullivan and that the rejection of Claims 51-53 should be withdrawn.

8. Claims 56-60

Claim 56, as amended, recites:

A method comprising:
opening a new account at a first financial institution;
identifying a second account at a second financial institution; and
initiating a transfer of funds from the second account to the new account by a financial management system, wherein the new account and the second account have a common account holder, and wherein a third financial institution initiates the transfer of funds from the second account to the new account.

Sullivan does not disclose "...initiating a transfer of funds from the second account to the new account ... wherein a third financial institution initiates the transfer of funds...." as recited in claim 56. Sullivan does not address this type of transfer initiated by a third financial institution. Therefore, Sullivan fails to disclose all elements of claim 56.

As discussed above with respect to claim 1, the Examiner's attempt to use any "suggestion" by the Sullivan reference is improper under 35 U.S.C. §102(e).

Thus, for at least these reasons, Appellant respectfully submits that claim 56 is allowable over Sullivan. Given that claims 57-60 depend from claim 56, Appellant respectfully submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 56-60 are allowable over Sullivan and that the rejection of Claims 56-60 should be withdrawn.

9. Claims 61-65 and 70

Claim 61, as amended, recites:

A method comprising:
a financial management system transferring assets from a first account at a first financial institution to a second account at a second financial institution via a debit instruction, wherein the first account and the second account have different account holders; and
the financial management system transferring assets from the second account to a third account at a third financial institution via a credit instruction, wherein the second account and the third account have different account holders, and wherein the first account and the third account have a common account holder.

Appellant submits that Sullivan does not disclose the elements recited in claim 61. In particular, Sullivan fails to disclose "...transferring assets from a first account at a first financial institution to a second account at a second financial institution via a debit instruction ... and ... transferring assets from the second account to a third account at a third financial institution via a credit instruction" as recited in claim 61. Sullivan does not address this type of asset transfer between multiple financial institutions.

As discussed above with respect to claim 1, the Examiner's attempt to use any "suggestion" by the Sullivan reference is improper under 35 U.S.C. §102(e).

Thus, for at least these reasons, Appellant respectfully submits that claim 61 is allowable over Sullivan. Given that claims 62-65 and 70 depend from claim 61, Appellant respectfully submits that those claims are likewise allowable over Sullivan for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that Claims 61-65 and 70 are allowable over Sullivan and that the rejection of Claims 61-65 and 70 should be withdrawn.

Conclusion

The Office's basis and supporting rationale for the §102(e) rejection is not supported by Sullivan. Appellant respectfully requests that the rejections be overturned and that pending claims 1-30 and 38-72 be allowed to issue.

Respectfully Submitted,

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(8) Appendix of Appealed Claims

1. A method comprising:
a processor initiating a withdrawal of assets from a first account at a first financial institution; and
the processor initiating a deposit of the withdrawn assets to a second account at a second financial institution, wherein the first account and the second account have a common account holder.
2. A method as recited in claim 1 wherein initiating a withdrawal of assets includes generating a debit instruction.
3. A method as recited in claim 1 wherein initiating a deposit of assets includes generating a credit instruction.
4. A method as recited in claim 1 wherein the assets are withdrawn via a first payment network and the assets are deposited via a second payment network.
5. A method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via an ACH network.
6. A method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via a debit network.

7. A method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via a wire transfer.

8. A method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via an ACH processor.

9. A method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via a third financial institution.

10. A method as recited in claim 1 wherein the first account and the second account are asset accounts.

11. One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1.

12. A method of transferring funds comprising:
implementing a first transaction comprising:
withdrawing funds by a financial management system from a first account at a first financial institution; and
depositing the withdrawn funds by the financial management system into a second account, wherein the first account and the second account have different account holders;
implementing a second transaction comprising:

withdrawing the deposited funds from the second account; and
depositing the withdrawn funds into a third account at a second financial institution, wherein the second account and the third account have different account holders, and wherein the first account and the third account have a common account holder.

13. A method as recited in claim 12 wherein withdrawing funds from the first account includes generating a debit instruction.

14. A method as recited in claim 12 wherein depositing funds into the third account includes generating a credit instruction.

15. A method as recited in claim 12 wherein the funds are withdrawn from the first account via a first payment network and the funds are deposited into the third account via a second payment network.

16. A method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via an ACH network.

17. A method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a debit network.

18. A method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a wire transfer.

19. A method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a third financial institution.

20. A method as recited in claim 12 wherein the first account and the third account are asset accounts.

21. One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 12.

22. A method comprising:

registering a plurality of financial accounts with a financial management system, wherein the registering of a plurality of accounts allows the transfer of funds between any pair of registered accounts; and

initiating a transfer of funds by the financial management system from a first registered account associated with a first financial institution to a second registered account associated with a second financial institution, wherein a third party entity initiates the transfer of funds.

23. A method as recited in claim 22 wherein initiating a transfer of funds by the financial management system includes:

initiating a withdrawal of assets from the first registered account; and
initiating a deposit of the withdrawn assets to the second registered account.

24. A method as recited in claim 23 wherein initiating a withdrawal of assets includes generating a debit instruction.

25. A method as recited in claim 23 wherein initiating a deposit of the withdrawn assets includes generating a credit instruction.

26. A method as recited in claim 23 wherein the assets are withdrawn via a first payment network and the assets are deposited via a second payment network.

27. A method as recited in claim 22 wherein the transfer of funds is effectuated via a wire transfer.

28. A method as recited in claim 22 wherein the third party entity is a third financial institution.

29. A method as recited in claim 22 wherein the first account and the second account are asset accounts.

30. One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 22.

38. One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

withdraw funds from a first account at a first financial institution; and
deposit the withdrawn funds into a second account at a second financial institution, the first and second accounts having a common account holder.

39. One or more computer-readable media as recited in claim 38 wherein the withdrawn funds are deposited into the second account with a credit instruction.

40. One or more computer-readable media as recited in claim 38 wherein the funds are withdrawn from the first account with a debit instruction.

41. One or more computer-readable media as recited in claim 38 wherein the first account and the second account are asset accounts.

42. An apparatus comprising a financial management system coupled to a first financial institution or a second financial institution, the financial management system to initiate a withdrawal of assets from a first account at the first financial institution and to further initiate a deposit of the withdrawn assets into a second account at the second financial institution, wherein the first and second accounts have a common account holder.

43. An apparatus as recited in claim 42 wherein the withdrawal of assets is effectuated using a debit instruction.

44. An apparatus as recited in claim 42 wherein the deposit of the withdrawn assets is effectuated using a credit instruction.

45. An apparatus as recited in claim 42 wherein the assets are withdrawn via a first payment network and the assets are deposited via a second payment network.

46. An apparatus as recited in claim 42 wherein the financial management system is coupled to a third financial institution for effectuating the withdrawal of assets and the deposit of assets.

47. An apparatus as recited in claim 42 wherein the first account and the second account are asset accounts.

48. A method comprising:

initiating a transfer of funds from a first account at a first financial institution to a second account at a second financial institution, wherein the transfer of funds is performed by a financial management system using an Automated Clearing House network; and

wherein the first account and the second account have a common account holder.

49. A method as recited in claim 48 wherein the first account and the second account are asset accounts.

50. A method as recited in claim 48 wherein the transfer of funds is effectuated using a debit instruction and a credit instruction.

51. A method comprising:

a processor initiating a withdrawal of funds from a first account at a first financial institution, wherein an instruction for the withdrawal of funds is initiated by an entity other than the first financial institution; and

the processor initiating a deposit of the withdrawn funds to a second account at a second financial institution, wherein an instruction for the deposit of the withdrawn funds is initiated by an entity other than the second financial institution.

52. The method as recited in claim 51 wherein the first account and the second account are asset accounts.

53. The method as recited in claim 51 wherein the deposit of withdrawn funds utilizes an ATM network.

54. The method as recited in claim 1 wherein the second account is a new account being funded by assets from the first account.

55. The method as recited in claim 22 wherein the second registered account is a new account being funded by assets from the first registered account.

56. A method comprising:
opening a new account at a first financial institution;
identifying a second account at a second financial institution; and
initiating a transfer of funds from the second account to the new account by a financial management system, wherein the new account and the second account have a common account holder, and wherein a third financial institution initiates the transfer of funds from the second account to the new account.

57. A method as recited in claim 56 wherein the transfer of funds from the second account to the new account utilizes an Automated Clearing House network.

58. A method as recited in claim 56 wherein the transfer of funds from the second account to the new account utilizes a payment processor.

59. A method as recited in claim 56 wherein the transfer of funds from the second account to the new account includes issuing a debit instruction associated with the second account that transfers funds to a third account associated with the third financial institution and issuing a credit instruction that transfers funds from the third account to the new account.

60. A method as recited in claim 56 wherein the new account is an asset account.

61. A method comprising:

a financial management system transferring assets from a first account at a first financial institution to a second account at a second financial institution via a debit instruction, wherein the first account and the second account have different account holders; and

the financial management system transferring assets from the second account to a third account at a third financial institution via a credit instruction, wherein the second account and the third account have different account holders, and wherein the first account and the third account have a common account holder.

62. A method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes a first payment network and transferring assets from the second account to the third account utilizes a second payment network.


63. A method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes a first payment network and transferring assets from the second account to the third account utilizes the first payment network.

64. A method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes an Automated Clearing House network.

65. One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 61.

66. A method as recited in claim 22 wherein the third party entity is a service provider.

67. A method as recited in claim 22 wherein the first account and the second account are debt accounts.



68. A method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via an ATM network.

69. A method as recited in claim 12 wherein withdrawing funds from the first account includes issuing a debit instruction associated with the first account, and wherein depositing the withdrawn funds includes issuing a credit instruction associated with the second account.

70. A method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes an ATM network.

71. A method as recited in claim 22 wherein the plurality of financial accounts are associated with different financial institutions.

72. A method as recited in claim 22 wherein the financial management system is associated with a particular financial institution that differs from a financial institution associated with at least one of the plurality of financial accounts.